

## **EXHIBIT C**

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF MASSACHUSETTS

3  
4 TERRI PECHNER-JAMES  
and SONIA FERNANDEZ,

5 Plaintiffs,

6 VS. VOLUME VIII  
C.A. NO. 03-12499-MLW

7  
8 CITY OF REVERE; THOMAS  
AMBROSINO, MAYOR; CITY OF  
9 REVERE POLICE DEPARTMENT,  
TERRENCE REARDON, CHIEF;  
10 BERNARD FOSTER, SALVATORE  
SANTORO, ROY COLANNINO,  
11 FREDERICK ROLAND, THOMAS DOHERTY,  
JOHN NELSON, JAMES RUSSO,  
12 MICHAEL MURPHY, and STEVEN FORD,

13 Defendants.  
14

15 CONTINUED DEPOSITION of SONIA FERNANDEZ taken  
16 at the request of the defendants pursuant to  
17 Rule 30 of the Federal Rules of Civil Procedure  
18 before Dawn J. Cormier Bourn, a notary public in  
19 and for the Commonwealth of Massachusetts, on  
20 June 21, 2006, commencing at 9:17 a.m. at the  
21 Revere City Hall, 281 Broadway, Revere,  
22 Massachusetts.  
23  
24

COPY

1     A P P E A R A N C E S :

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6     Boston, Massachusetts 02108

7     FOR THE DEFENDANT, CITY OF REVERE; THOMAS  
8     AMBROSINO, MAYOR; CITY OF REVERE POLICE  
9     DEPARTMENT, TERRENCE REARDON, CHIEF:

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11    PAUL CAPIZZI, ESQ.  
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13    City Hall, 281 Broadway  
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15    FOR THE DEFENDANTS, BERNARD FOSTER, SALVATORE  
16    SANTORO, ROY COLANNINO, FREDERICK ROLAND,  
17    THOMAS DOHERTY, JOHN NELSON, JAMES RUSSO,  
18    MICHAEL MURPHY AND STEVEN FORD:

19    JOHN K. VIGLIOTTI, ESQ.  
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I N D E X

DEPONENT: SONIA FERNANDEZ

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1                   SONIA FERNANDEZ, PREVIOUSLY SWORN.

2                   - - - - -

3                   MS. THORPE: I know we're 15 minutes  
4 late, so do you want to go 15 minutes later?

5                   MR. PORR: Okay.

6                   - - - - -

7 FURTHER EXAMINATION BY MR. PORR:

8                   Q. So we're back on the record with  
9 Ms. Fernandez. Good morning.

10                  A. How are you?

11                  Q. Good, thank you. How about yourself?

12                  A. Tired.

13                  Q. Having trouble sleeping?

14                  A. Yeah.

15                  Q. Still?

16                  A. Yeah.

17                  Q. Take any medication today?

18                  A. Nothing.

19                  Q. All right. Aside from tired, are you  
20 feeling okay?

21                  A. Yeah. Yes, sorry. Yes.

22                  Q. Madam reporter asked me before we  
23 started to ask you to speak up.

24                  A. Okay. I'm sorry. You know what it

1 Q. Are these notes that we're looking at,  
2 Exhibit 46, are they in your handwriting?

3 A. Yes.

4 Q. And it looks like the original was on  
5 standard school notebook paper?

6 A. Yes.

7 Q. When did you write these notes?

8 A. I used it -- well, I wrote them when  
9 they happened.

10 Q. So did you keep a notebook where you  
11 started recording notes of events that happened  
12 concerning the Revere Police Department?

13 A. You mean like a diary?

14 Q. I guess I was asking, do these notes  
15 all come from the same notebook?

16 A. I don't know. I don't think so.

17 Q. Okay. Are these all of your notes?

18 A. Yes, I believe so.

19 Q. All right. So as you sit here now,  
20 there's no reference to the chalkboard drawing  
21 referred to in Paragraph 96 in the complaint in  
22 these notes?

23 A. I know where I saw it, the date.

24 Q. Okay. Where?

1 A. Officer Malatesta, her notes.

2 Q. You've seen Officer Lynn Malatesta's  
3 notes?

4 A. Yes, I have.

5 Q. Where did you see those notes?

6 A. In my attorney's office.

7 Q. Mr. Dilday has them?

8 A. I believe so.

9 Q. When did you last see Officer Lynn  
10 Malatesta's notes in Mr. Dilday's office?

11 A. Years ago.

12 Q. Can you be a little more precise in  
13 terms of how many years ago?

14 A. Two or three.

15 Q. Do you know how Mr. Dilday came about  
16 a copy of Officer Lynn Malatesta's notes?

17 A. I don't know if she gave me a copy or  
18 if she gave Officer James a copy.

19 Q. Okay. When you say Officer James, you  
20 mean Terri?

21 A. Terri.

22 Q. The only reason I ask for the  
23 distinction is because there's Officer Mark James  
24 as well.

1 A. Sorry.

2 Q. Had you seen Lynn Malatesta's notes  
3 prior to seeing them in Mr. Dilday's office?

4 A. Yes.

5 Q. When did you first see Lynn  
6 Malatesta's notes?

7 A. I don't remember.

8 Q. What was the occasion that resulted in  
9 you seeing Lynn Malatesta's notes the first time?

10 A. I can tell you the reason she showed  
11 me.

12 Q. Sure.

13 A. They were -- when I went and I didn't  
14 know what to do with Lieutenant Foster, they told  
15 me that they would be a witness for me if I  
16 needed one.

17 Q. Who is the "they" that you're talking  
18 about here?

19 A. Lynn Malatesta, Julie Malvarosa.

20 Q. Was this at some sort of a meeting the  
21 women were having?

22 A. No, no, just a general conversation we  
23 had at the station.

24 Q. And Lynn had these notes with her at



1 the time?

2 A. No, no. I don't know if she brought  
3 them to work and I read them in the cruiser or if  
4 she gave me a copy of them. I don't remember.

5 Q. How many pages of notes did Lynn have?

6 A. Lynn has a lot of pages.

7 Q. More than 10?

8 A. Yes.

9 Q. More than 20?

10 A. Possibly.

11 Q. As many as 30?

12 A. I don't know.

13 Q. As many as 50?

14 A. No, I don't think 50.

15 Q. Okay. So somewhere between 20 and 30?

16 A. I think so.

17 Q. Handwritten?

18 A. I don't remember.

19 Q. Because we've got 21 pages of notes  
20 from Terri Pechner which are typed, and then we  
21 have a few pages of notes from you which are  
22 handwritten.

23 A. I think she wrote them. I think she  
24 wrote them.

1 Q. Eight-and-a-half by 11 size paper?

2 Normal size paper?

3 A. Like your notebook.

4 Q. Like my note pad?

5 A. Yes.

6 Q. Single spaced?

7 A. Yes. I would say yes.

8 Q. Okay. Do you recall the time period  
9 that the notes covered?

10 A. What do you mean?

11 Q. The notes, were they in chronological  
12 order?

13 A. Yes. She's very detailed like that.

14 Q. And did they start, for instance, back  
15 in September of '95 or February of '96 and go in  
16 chronological order until some end date?

17 A. Yes.

18 Q. Do you recall the date the notes  
19 started?

20 A. No. I don't remember.

21 Q. Did they cover anything that occurred  
22 at the academy?

23 A. I don't know.

24 Q. You went to the academy with Lynn;

1 correct?

2 A. Yes, yes.

3 Q. And that was roughly September of '95  
4 until roughly February of '96?

5 A. Yes.

6 Q. And then you and Lynn and the rest of  
7 those academy graduates went to work as police  
8 officers for the city as opposed to being cadets  
9 at the academy in February of '96?

10 A. Right.

11 Q. Assuming then that the notes picked up  
12 with anything that may have happened once you got  
13 here working for the City of Revere in February  
14 of '96, and you indicated they seemed to go in  
15 chronological order, do you know the end date for  
16 the notes that you saw?

17 A. They're probably still going.

18 Q. All right. So your recollection is  
19 that Lynn showed you a copy of her notes at least  
20 once while you were still working for the Revere  
21 Police Department?

22 A. Yes.

23 Q. You have since seen the notes in  
24 Attorney Dilday's office?

1 A. I did.

2 Q. Have you seen them any other time?

3 A. No.

4 Q. When you looked at Lynn's notes at  
5 Attorney Dilday's office, were you looking at a  
6 document that was consistent with what you had  
7 seen before?

8 A. Sorry. No.

9 Q. What was different?

10 A. Oh, you mean when I saw her notes  
11 again?

12 Q. Yeah.

13 A. They looked exactly the same. I'm  
14 sorry.

15 Q. That's fine.

16 What I was looking for, had Lynn added  
17 any additional pages since the last time you had  
18 seen them?

19 A. Oh, I don't remember.

20 Q. Because presumably there's a gap in  
21 time between when you first saw them and when you  
22 next saw them?

23 A. Right.

24 Q. Do you know what that gap is? A

1 couple years?

2 A. Possibly.

3 Q. All right. And that's what I'm  
4 getting at. You said a moment ago Lynn is  
5 probably still taking notes.

6 A. Yes.

7 Q. So I would assume that when you first  
8 saw the notes they were complete up to that time?

9 A. Right.

10 Q. And then a couple years later you saw  
11 them in Attorney Dilday's office, and what I was  
12 wondering is, did you see additional notes you  
13 hadn't seen before covering that gap?

14 A. No. No. If they were there, I didn't  
15 read them.

16 Q. So have you -- go ahead.

17 A. If I did read them, I don't remember.

18 Q. Okay.

19 A. I'm being honest.

20 Q. That's fine.

21 And let me back up and just double-  
22 check. Have you seen the notes more than twice?

23 A. I saw them twice.

24 Q. Lynn showed them to you once.

1 Attorney Dilday showed them to you once.

2 A. I don't know if I brought them to him  
3 or if Terri brought them to him.

4 Q. No, I understand.

5 A. I saw them in his office.

6 Q. Right. So, again, Lynn showed you her  
7 notes once, and then next you saw them in  
8 Attorney Dilday's office?

9 A. Yes.

10 Q. Okay. And so it's your recollection  
11 going back to Paragraph 96 that the date of this  
12 incident, July of '98, you may be taking that  
13 from Lynn's notes?

14 A. Yes.

15 Q. Okay. Now, you indicated that you saw  
16 this drawing?

17 A. Yes.

18 Q. Tell me the circumstances that led to  
19 you seeing the drawing. What was going on?

20 A. You don't want me to describe it to  
21 you?

22 Q. I'm sorry?

23 A. You don't want me to describe it, do  
24 you?

1 Q. Sure.

2 Let me show you No. 116. Question 116  
3 dealt with the allegations of Paragraph 63 and 64  
4 involving this incident with Sergeant Nelson;  
5 okay? And it asks to state the exact date or the  
6 closest approximation you have thereof of the  
7 alleged incident involving Sergeant Nelson.

8 And then the answer I have here is,  
9 "The incident involving Sergeant Nelson occurred  
10 on September 19, 1998, between 1900 and 2100  
11 hours, or between 7:00 and 9:00 p.m."

12 Do you recall where you got that  
13 information from?

14 A. Lynn's notes.

15 Q. All right. Turning to Exhibit 6,  
16 which are the notes from the January meeting the  
17 women had in '99, at Lines 194 to 203 this  
18 incident is talked about; correct?

19 A. Yes.

20 Q. Do you recall who brought this up at  
21 the meeting?

22 A. Had to be Officer Malatesta.

23 Q. Well, that's a logical assumption. I  
24 would agree with you logically one would assume

1 at about 9:20, and it's now about 12:20, 12:25.  
2 There's no way we can finish four additional  
3 hours today, which is what I estimate the court  
4 ordered two-and-a-half days it would take in  
5 terms of completing those two-and-a-half days.

6 Ms. Thorne has obligations this  
7 afternoon. Mr. Dilday has obligations this  
8 afternoon. And so we're going to go ahead and  
9 finish up for the day, and we'll reschedule the  
10 remaining four hours later.

11 MR. VIGLIOTTI: While we're on the  
12 record, there was reference in the record to  
13 notes in the possession of Mr. Dilday. I believe  
14 these individual defendants in discovery  
15 requested any notes or correspondence relating to  
16 the facts of this case, which those notes have  
17 not been produced, nor was an objection filed.

18 I am asking for copies of those, if  
19 you can bring it to Mr. Dilday's attention. I  
20 just want that on the record in regards to those  
21 notes.

22 MR. PORR: Lynn Malatesta's notes?

23 MR. VIGLIOTTI: Lynn Malatesta's  
24 notes, which it doesn't sound like there's an



1 attorney-client privilege. Testimony was given  
2 here today regarding those notes, so I'd ask you  
3 to relay that message to Mr. Dilday that I am  
4 requesting those notes.

5 MS. THORPE: I will definitely relay  
6 that message. This is the first I've heard of  
7 Ms. Malatesta's notes, so -- .

8 MR. VIGLIOTTI: Me, too.

9 MR. PORR: Good enough. Thank you.

10 (Deposition concluded at 12:25 p.m.)  
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